



DEPARTMENTAL GENERAL ORDER

I-12: AUTOMATED LICENSE PLATE READERS

Effective Date: XX Mar 19

Coordinator: Information Technology Unit

The Oakland Police Department (OPD) strives to use technology that promotes accountability and transparency. This policy provides guidance for the capture, storage and use of digital data obtained through the use of ALPR technology while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

A. Description of the Technology

OPD uses Automated License Plate Reader (ALPR) technology to capture and store digital license plate data and images.

A – 1. How ALPR Works

ALPR technology works by automatically scanning license plates on vehicles that are publicly visible. ALPR reads these license plates, compares the license plate characters against specific databases, and stores the characters along with the date, time, and location of the license plate in a database. This process allows for two functions by ALPR:

1. Immediate (real time) comparison of the license plate characters against specific databases such as those provided by the California Department of Justice listing vehicles that are stolen or sought in connection with a crime or missing persons.
2. Storage of the license plate characters – along with the date, time, and location of the license plate – in a database that is accessible by law enforcement agencies for investigative purposes.

A – 2. The ALPR System

There are two components to the ALPR system:

1. Automated License Plate Readers: These devices include cameras attached to vehicles, trailers, or poles and a corresponding device that transmits collected data to various state databases for comparison and a central repository for storage and later retrieval.
2. ALPR Database: This central repository stores data collected and transmitted by the Automated License Plate Readers.

B. General Guidelines

B – 1. Authorized Users

Personnel authorized to use ALPR equipment or access information collected through the use of such equipment shall be specifically trained in such technology and authorized by the Chief of Police or designee. Such personnel shall be limited to designated sergeants, officers, police service technicians, and parking enforcement personnel unless otherwise authorized.

B – 2. Restrictions on Use

1. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).
2. No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
3. No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
4. While ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
5. ALPR shall only be used for official law enforcement business.
6. ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR to scan license plates or collect data.
7. If practicable, agency personnel should verify ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.
8. Accessing data collected by ALPR requires a right to know and a need to know. A right to know is the legal authority to receive information pursuant to a court order, statutory law, or case law. A need to know is a compelling reason to request information such as direct involvement in an investigation.

C. ALPR Data

C – 1. Data Collection and Retention

1. Transfer of Data

Data will be transferred from vehicles to the designated storage in

accordance with department procedures.

2. Data Retention

All ALPR data downloaded to the server shall be stored for six months, unless required for:

- a. A criminal investigation;
- b. An administrative investigation;
- c. Research;
- d. Civil litigation;
- e. Training; and/or
- f. Other Departmental need.

C – 2. Data Security

All data will be closely safeguarded and protected by both procedural and technological means. OPD will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

1. All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by username, license number or other data elements used in the search, name, date, time and purpose (Civil Code § 1798.90.52).
2. Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
3. ALPR system audits shall be conducted on a regular basis by the Bureau of Services. The purpose of these audits is to ensure the accuracy of ALPR Information and correct data errors.

C – 3. Releasing or Sharing ALPR Data

ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

1. The agency makes a written request for the ALPR data that includes:
 - a. The name of the requesting agency.
 - b. The name of the individual making the request.
 - c. The intended purpose of obtaining the information.
2. The request is reviewed by the Bureau of Services Deputy Chief/ Deputy

Director or designee and approved before the request is fulfilled.

3. The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in Departmental General Order M-9.1, Public Records Access (Civil Code § 1798.90.55) and per any interagency agreements.

D. ALPR Administration

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Bureau of Services.

D – 1. ALPR Administrator

The Bureau of Services Deputy Chief or Deputy Director shall be the administrator of the ALPR program, and shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. The Bureau of Services Deputy Chief is responsible for ensuring systems and processes are in place for the proper collection, accuracy and retention of ALPR data.

D – 2. ALPR Coordinator

The title of the official custodian of the ALPR system is the ALPR Coordinator.

D – 3. Monitoring and Reporting

The Oakland Police Department will monitor its use of ALPR technology to ensure the accuracy of the information collected and compliance with all applicable laws, including laws providing for process, and time period system audits.

The ALPR Coordinator shall provide the Chief of Police, Privacy Advisory Commission, and Public Safety Committee with an annual report that contains following for the previous 12-month period:

1. The number of times the ALPR technology was used.
2. A list of agencies other than the Oakland Police Department that were authorized to use the equipment.
3. A list of agencies other than the Oakland Police Department that received information from use of the equipment.
4. Information concerning any violation of this policy.
5. Total costs for maintenance, licensing and training, if any.
6. The results of any internal audits and if any corrective action was taken.

The above information and reporting procedures will assist in evaluating the efficacy of this policy and equipment.

D – 4. Training

The Training Section shall ensure that members receive department-approved training for those authorized to use or access the ALPR system and shall maintain a record of all completed trainings. (Civil Code § 1798.90.51; Civil Code §1798.90.53).

Training requirements for employees authorized in ALPR Users Section include completion of training by the ALPR Coordinator or appropriate subject matter experts as designated by OPD. Such training shall include:

- Applicable federal and state law
- Applicable policy
- Memoranda of understanding
- Functionality of equipment
- Accessing data
- Safeguarding password information and data
- Sharing of data
- Reporting breaches
- Implementing post-breach procedures

Training updates are required annually.

By Order of

Anne E. Kirkpatrick
Chief of Police

Date Signed: